

EXHIBIT B

From: [Satterlee, Ashley](#)
To: [Satterlee, Ashley](#)
Subject: FW: [EXT] Re: Purdue: Request for Chambers Teleconference
Date: Wednesday, February 3, 2021 12:20:10 PM

From: Lees, Alex <ALEes@milbank.com>
Sent: Tuesday, December 8, 2020 10:51 AM
To: Hurley, Mitchell <mhurley@AkinGump.com>; McCarthy, Gerard <gerard.mccarthy@davispolk.com>; Katie Townsend <ktownsend@rcfp.org>
Cc: Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>; Williford, Harold W. <hwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; mleventhal@jhany.com; Jasmine Ball <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; Preis, Arik <apreis@akingump.com>; keckstein@kramerlevin.com; ringer@kramerlevin.com
Subject: RE: Purdue: Request for Chambers Teleconference

All,

Thank you for the proposals. Here is the position of the Raymond Sackler family:

1. We support having briefs and exhibits relating to the privilege motions released as soon as possible, subject to the protections identified in my letter of December 2: the family must have the right to redact for privilege and work product; the names of current investment and business counterparties (consistent with the May 1 ruling); personally identifying information; and personal medical information (including in Hurley exhibit 57 and Preis exhibit 221, and similar discussions of health issues). Consistent with the UCC's position, we do not believe the privilege logs and their addenda should be part of the public disclosure. We are fine embodying any resolution about public disclosure in a stipulation to be so-ordered by the Court, as Mitch proposed.
2. We do not agree to the staggered release of materials relating to the privilege motions. Releasing materials piecemeal, along the lines of the debtors' proposal, risks creating an unfair and incomplete record. We therefore believe that any release of materials relating to the privilege motions must happen simultaneously. For the avoidance of doubt, this simultaneous release should include all briefs and exhibits submitted in support of and in opposition to the UCC's privilege motions, including the surreplies (and accompanying exhibits) filed tomorrow.
3. We are prepared to work as expeditiously as possible to permit a simultaneous release. We believe that we can apply our redactions, consistent with #1 above, and present a proposed set for unsealing (which can be the subject of a meet and confer, if necessary) within 7 days.
4. We recognize that this will require coordination with other parties seeking to apply

redactions to the same set of documents, and that the debtors have stated the need for more time. In the event the debtors cannot apply redactions in a timeframe permitting a simultaneous public release of all the materials by the December 22 hearing (an issue only the debtors can speak to), we support the idea contained in paragraph 4 of Ben's initial proposal of December 6: "to the extent any party wishes to use specific pages of the exhibits . . . at the hearing on the privileges motions on December 22, 2020, such party will send such pages to the Debtors, and the Debtors will use reasonable efforts to expedite review of those specific pages within 48 hours." We would ask, too, that any exhibits that reveal family information also be run by us on the same timeframe, if there is an intention to reveal contents at the hearing. This should ensure that we do not have confidentiality issues or requests to close the courtroom for the hearing, even if there has not been a public release of all the materials.

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From: Hurley, Mitchell <mhurley@AkinGump.com>
Sent: Tuesday, December 8, 2020 10:44 AM
To: McCarthy, Gerard <gerard.mccarthy@davispolk.com>; Katie Townsend <ktownsend@rcfp.org>
Cc: Lees, Alex <ALees@milbank.com>; Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>; Williford, Harold W. <hwwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; mleventhal@jhany.com; Jasmine Ball <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; Preis, Arik <apreis@akingump.com>; keckstein@kramerlevin.com; rringer@kramerlevin.com
Subject: [EXT] RE: Purdue: Request for Chambers Teleconference

This is acceptable to the UCC. Thanks.

Mitchell P. Hurley
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From: McCarthy, Gerard <gerard.mccarthy@davispolk.com>
Sent: Monday, December 7, 2020 9:52 PM
To: Hurley, Mitchell <mhurley@AkinGump.com>; Katie Townsend <ktownsend@rcfp.org>
Cc: Lees, Alex <ALees@milbank.com>; Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>; Williford, Harold W. <hwwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; mleventhal@jhany.com; Jasmine Ball <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; Preis, Arik <apreis@akingump.com>; keckstein@kramerlevin.com; rringer@kramerlevin.com
Subject: RE: Purdue: Request for Chambers Teleconference

Katie, Mitch,

Thank you for your input and feedback. After discussing with our clients at some length, we can do the following:

- We can, per the UCC's request, move the 100 emails in category 2 to category 1. We need, however, to keep the Debtors' proposed schedule with respect to the now 317 documents in category 1, with the Debtors proposing redactions by Tuesday, December 15, 2020. The parties would meet and confer and endeavor to file unsealed or redacted materials in this category by Friday, December 18, 2020.
- We are unable to move the Debtors' proposed deadline for the category 2 material.
- We are unable to move the deadline for release of the category 3 material to January 7, as requested by the reporters, which simply does not give our clients enough time to evaluate this dense material. This is particularly so in light of the intervening holidays. However, in the spirit of compromise, the Debtors are willing to propose redactions by January 7, with material to be filed by January 11.

If the foregoing is acceptable, we are happy to memorialize this and the adjournment of disputes to the January 20 omnibus in a stipulation to be presented to and so ordered by the Court. Please let us know.

Regards,

Gerry

Gerard McCarthy

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From: Hurley, Mitchell <mhurley@AkinGump.com>

Sent: Monday, December 7, 2020 4:47 PM

To: Katie Townsend <ktownsend@rcfp.org>

Cc: Lees, Alex <ALees@milbank.com>; McCarthy, Gerard <gerard.mccarthy@davispolk.com>;

Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>; Williford, Harold W. <hwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; mleventhal@jhany.com; Jasmine Ball <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; apreis@akingump.com; keckstein@kramerlevin.com; ringer@kramerlevin.com

Subject: RE: Purdue: Request for Chambers Teleconference

Thank you Katie. The UCC is amenable to the Debtors' proposal (with Katie's modifications) provided that Emails be moved to category 1. We also propose that the Category 1 dates be altered to 12/13 and 12/15, and the Category 2 dates be altered to 12/16 and 12/18.

If the foregoing works, I suggest we do this via so-ordered stipulation, which also would resolve Alex's concern about "timing" (since the so-ordered stip we present to the Court would expressly call for agreed materials to be publicly filed).

Mitchell P. Hurley

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From: Katie Townsend <ktownsend@rcfp.org>

Sent: Monday, December 7, 2020 2:48 PM

To: Hurley, Mitchell <mhurley@AkinGump.com>

Cc: Lees, Alex <ALEes@milbank.com>; McCarthy, Gerard <gerard.mccarthy@davispolk.com>; Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>; Williford, Harold W. <hwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; mleventhal@jhany.com; Jasmine Ball <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; Preis, Arik <apreis@akingump.com>; keckstein@kramerlevin.com; ringer@kramerlevin.com

Subject: Re: Purdue: Request for Chambers Teleconference

All: I have not heard back yet from Judge Drain's courtroom deputy; however, I think I may be able to shortcut this scheduling discussion.

I've conferred with my clients, and we are willing to agree to adjourn the hearing on the News Media Intervenors' motion to intervene and unseal to January 20 provided the third and final tranche of unsealed/redacted materials is publicly filed no later than January 7 (instead of January 14). This will permit the hearing on the UCC's privileges motion, standing alone, to move forward on December 22. The UCC (and anyone else) is welcome to raise any disputes among each other regarding redaction or sealing with the Court at that December 22 hearing, but it will be without prejudice to the News Media Intervenors' right to challenge the propriety of any redaction or continued sealing as to any document at the hearing on January 20.

In addition to ensuring that more sealed material will be made public sooner, which is obviously in my clients' interest, the January 7 date is necessary in our view to ensure that we have an adequate opportunity to review all of the parties' redactions and arguments for continued sealing, and to file a timely reply/response before the January 20 hearing date. This splits the difference from my

proposal of December 31 and the debtors' proposal of January 14. We think this is a very reasonable compromise under the circumstances; we hope everyone agrees.

To be clear, this email reflects only my clients' position with respect to scheduling. I understood from the call this morning that the UCC would like to move "emails" into the first tranche of documents to be unsealed, and had separate concerns about other dates outlined in the debtors' proposal. UCC's counsel can address any additional changes that they feel need to be made in order for the proposal to be agreeable to them.

Thank you,
Katie



On Mon, Dec 7, 2020 at 11:08 AM Hurley, Mitchell <mhurley@akingump.com> wrote:

Obviously if we are to reach agreement along the lines proposed by the Debtors it will depend on the privileges motion also being moved to 12/22.

Sent from my iPhone

On Dec 7, 2020, at 11:02 AM, Katie Townsend <ktownsend@rcfp.org> wrote:

All: I have a call into Judge Drain's courtroom deputy to confirm that my clients' motion to intervene and unseal still can be heard on December 22. Assuming it can be heard on that date (and I have no reason to think it can't be), I assume I can file a straightforward notice adjourning the December 15 hearing date to December 22. Under the Court's case management order, that will automatically move the deadline for the debtors (and any other party) to file objections/responses to our motion to December 15.

Thanks,
Katie



On Mon, Dec 7, 2020 at 9:59 AM Lees, Alex <ALees@milbank.com> wrote:

For clarity, I think it would be helpful to confirm that the deadline is moved for all parties, including the families. Also, if there is going to be communication with the Court about the status of discussions, or the adjournment, or anything else pertaining the unsealing motion, any representations to Judge Drain about the Raymond side's position should be run by us first so we can make sure it is an accurate portrayal.

Thank you,

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From: McCarthy, Gerard <gerard.mccarthy@davispolk.com>
Sent: Monday, December 7, 2020 9:53 AM
To: 'Katie Townsend' <ktownsend@rcfp.org>; Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>
Cc: Hurley, Mitchell <mhurley@akingump.com>; Williford, Harold W. <hwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; Lees, Alex <ALees@milbank.com>; mleventhal@jhany.com; Jasmine Ball <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; apreis@akingump.com; keckstein@kramerlevin.com; rringer@kramerlevin.com
Subject: [EXT] RE: Purdue: Request for Chambers Teleconference

Katie,

Just writing to confirm via email our discussion on the phone that the Debtors' objection deadline for your client's motion has been extended from December 8 to December 15 in light of the current adjournment of the motion to December 22, and that we continue to work through a schedule.

Regards,

Gerry

Gerard McCarthy

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From: Katie Townsend <ktownsend@rcfp.org>
Sent: Sunday, December 6, 2020 6:19 PM
To: Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>
Cc: Hurley, Mitchell <mhurley@akingump.com>; Williford, Harold W. <hwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; ALees@milbank.com; mleventhal@jhany.com; Ball, Jasmine <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; McCarthy, Gerard <gerard.mccarthy@davispolk.com>; apreis@akingump.com; keckstein@kramerlevin.com; rringer@kramerlevin.com
Subject: Re: Purdue: Request for Chambers Teleconference

8:45am will work for me.

Katie

Sent from my iPhone

On Dec 6, 2020, at 6:18 PM, Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com> wrote:

I can do a call at 8:45am. Katie? Mitch? Others?

Benjamin S. Kaminetzky

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ben.kaminetzky@davispolk.com

On Dec 6, 2020, at 6:06 PM, Hurley, Mitchell <mhurley@akingump.com> wrote:

I have an evidentiary hearing in another case that begins at 10. Should be free from 3:30 or 4:00 on, also can do earlier than 9 but it sounds like Debtors cannot.

Mitchell P. Hurley

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From: Kaminetzky, Benjamin S.
<ben.kaminetzky@davispolk.com>
Sent: Sunday, December 6, 2020 6:02 PM
To: Hurley, Mitchell <mhurley@AkinGump.com>; Katie Townsend <ktownsend@rcfp.org>
Cc: Williford, Harold W. <hwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; ALees@milbank.com; mleventhal@jhany.com; Ball, Jasmine <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; McCarthy, Gerard <gerard.mccarthy@davispolk.com>; Preis, Arik <apreis@akingump.com>; keckstein@kramerlevin.com; ringer@kramerlevin.com
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Debtors cannot do before 10am. We could do 11-noon.

Benjamin S. Kaminetzky

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From: Hurley, Mitchell <mhurley@AkinGump.com>
Sent: Sunday, December 6, 2020 5:59 PM
To: Katie Townsend <ktownsend@rcfp.org>; Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com>
Cc: Williford, Harold W. <hwilliford@debevoise.com>; Troop, Andrew (External) <andrew.troop@pillsburylaw.com>; Porter, Katherine <kporter@akingump.com>; mlamo@rcfp.org; ALees@milbank.com; mleventhal@jhany.com; Ball,

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apreis@akingump.com; keckstein@kramerlevin.com;
ringer@kramerlevin.com

Subject: RE: Purdue: Request for Chambers
Teleconference

I can do 9 am tomorrow. Thanks.

Mitchell P. Hurley

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From: Katie Townsend <ktownsend@rcfp.org>

Sent: Sunday, December 6, 2020 5:55 PM

To: Kaminetzky, Benjamin S.

<ben.kaminetzky@davispolk.com>

Cc: Williford, Harold W. <hwilliford@debevoise.com>;

Troop, Andrew (External)

<andrew.troop@pillsburylaw.com>; Hurley, Mitchell

<mhurley@AkinGump.com>; Porter, Katherine

<kporter@akingump.com>; mlamo@rcfp.org;

ALees@milbank.com; mleventhal@jhany.com; Ball,

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<marshall.huebner@davispolk.com>; McCarthy, Gerard

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<apreis@akingump.com>; keckstein@kramerlevin.com;

ringer@kramerlevin.com

Subject: Re: Purdue: Request for Chambers

Teleconference

Thank you. I would appreciate it if you could also clarify how you arrived at 446 as the number of sealed exhibits at issue. I believe our motion to intervene and unseal seeks to unseal 451 exhibits, as reflected in our amended proposed order (attached).

If 10:30am is not workable for others, I'm available before 10am tomorrow or between 11am and noon.

Katie

Katie Townsend
Legal Director

ktownsend@rcfp.org



· (202) 795-9303 ·
@katie_rcfp

On Sun, Dec 6, 2020 at 5:35 PM Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com> wrote:

Katie,

The answer to your question is yes.

We will send around a calendar invite for 10:30am tomorrow with the hope that we will have a critical mass.

Regards,

Ben

Benjamin S. Kaminetzky

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From: Katie Townsend <ktownsend@rcfp.org>

Sent: Sunday, December 6, 2020 5:27 PM

To: Kaminetzky, Benjamin S.

<ben.kaminetzky@davispolk.com>

Cc: Williford, Harold W.

<hwwilliford@debevoise.com>; Troop, Andrew M.

<andrew.troop@pillsburylaw.com>; Hurley, Mitchell

<mhurley@akingump.com>; Porter, Katherine

<kporter@akingump.com>; mlamo@rcfp.org;

ALees@milbank.com; mleventhal@jhany.com; Ball,

Jasmine <jball@debevoise.com>; Huebner, Marshall S. <marshall.huebner@davispolk.com>; McCarthy, Gerard <gerard.mccarthy@davispolk.com>; apreis@akingump.com; keckstein@kramerlevin.com; ringer@kramerlevin.com

Subject: Re: Purdue: Request for Chambers
Teleconference

Counsel: I would like to attempt to get my clients' input on your proposal before we meet and confer, which I think will make a conference call this evening not workable. 10:30am tomorrow, however, is fine from my perspective.

Can you please confirm that when you say the parties will "endeavor to file unsealed or redacted materials" by December 18, December 21, and January 14, you mean that those unsealed or redacted materials will be filed publicly (i.e., available to my clients and other members of the press and public on those dates, and not merely submitted to the Court).

Thank you,
Katie



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Legal Director

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On Sun, Dec 6, 2020 at 4:48 PM Kaminetzky, Benjamin S. <ben.kaminetzky@davispolk.com> wrote:

All,

The briefing and exhibits with respect to the UCC's privileges motions, which Ms. Townsend's clients seek to unseal, currently consists of 446 separate exhibits (an additional 5 appear to have been intentionally omitted from the Preis declaration),

at over 10,000 pages of material. As we have informed you, this volume of material—the vast majority of which has been under seal for almost two months now (with only recent objection) and was filed by parties other than the Debtors—is simply too great for the Debtors to adequately evaluate before a hearing on December 15 or December 22. In the spirit of compromise, however, the Debtors make the following proposal. The Debtors believe that this proposal adequately addresses the concerns of the parties regarding prompt unsealing of appropriate information while protecting the Debtors' legitimate and important interest in maintaining certain types of information, such as confidential commercial information and certain PII, under seal. We are available to discuss at 8:30pm tonight or 10:30am tomorrow.

1. The Debtors will evaluate and propose redactions (or sealing in its entirety) to the parties' briefs and the following categories of exhibits, which exhibits total approximately 217 of the 446 exhibits, by **December 15, 2020**. The parties shall meet and confer and endeavor to file unsealed or redacted materials in this category by **December 18, 2020**.
 - a. Deposition Transcripts/Excerpts
 - b. Discovery Letters/Communications between Counsel in the Chapter 11 Cases
 - c. Discovery/Privilege Logs
 - d. Sackler Presentations in the Chapter 11 Cases
 - e. Certain Documents Concerning Trusts/Distributions
 - f. Court Documents from the Chapter 11 Cases
 - g. Court Documents from the MDL/prior litigation
 - h. Settlement Agreements
 - i. Law Review/Journal Articles

2. The Debtors will evaluate and propose redactions (or sealing in its entirety) to the following categories of exhibits, which exhibits total approximately 157 of the remaining 229 exhibits, by **December 17, 2020**. The parties shall meet and confer and endeavor to file unsealed or redacted materials in this category by **December 21, 2020**.
 - a. Emails
 - b. Compliance
 - Presentations/Reports/Materials
3. The Debtors will evaluate and propose redactions (or sealing in its entirety) to the following remaining categories of exhibits, which exhibits total approximately 72, by **January 11, 2021**. The parties shall meet and confer and endeavor to file unsealed or redacted materials in this category by **January 14, 2021**.
 - a. Financial Statements/Materials
 - b. Budgetary materials
 - c. Compiled Board Decisions
 - d. Quarterly Board Reports
 - e. Miscellaneous Board Reports/Materials
 - f. Risk Reports
 - g. Materials Concerning Licensing/ M&A
4. To the extent any party wishes to use specific pages of the exhibits identified in paragraph 3 above at the hearing on the privileges motions on December 22, 2020, such party will send such pages to the Debtors, and the Debtors will use reasonable efforts to expedite review of those specific pages within 48 hours.

5. Any disputes with respect to exhibits referenced in categories 1, 2 and 4 above will be heard at the December 22 hearing. And any remaining disputes will be heard at the January 20, 2021 Omnibus hearing.
6. Material filed by the Sacklers on December 9, 2020 with respect to their sur-replies will be separately evaluated and assessed.

Benjamin S. Kaminetzky

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From: Kaminetzky, Benjamin S.
[<ben.kaminetzky@davispolk.com>](mailto:ben.kaminetzky@davispolk.com)
Sent: Sunday, December 6, 2020 11:29 AM
To: 'Williford, Harold W.'
[<hwilliford@debevoise.com>](mailto:hwilliford@debevoise.com); Katie Townsend
[<ktownsend@rcfp.org>](mailto:ktownsend@rcfp.org)
Cc: Troop, Andrew M.
[<andrew.troop@pillsburylaw.com>](mailto:andrew.troop@pillsburylaw.com); Hurley, Mitchell
[<mhurley@akingump.com>](mailto:mhurley@akingump.com); Porter, Katherine
[<kporter@akingump.com>](mailto:kporter@akingump.com);
[<mlamo@rcfp.org>](mailto:mlamo@rcfp.org); [<ALees@milbank.com>](mailto:ALees@milbank.com);
[<mleventhal@jhany.com>](mailto:mleventhal@jhany.com); Ball, Jasmine
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[<apreis@akingump.com>](mailto:apreis@akingump.com);
[<keckstein@kramerlevin.com>](mailto:keckstein@kramerlevin.com);
[<ringer@kramerlevin.com>](mailto:ringer@kramerlevin.com)
Subject: RE: Purdue: Request for Chambers

Teleconference

Hello All,

Debtors are working on a proposal to share with this group which we hope will resolve this matter. The proposal requires client input and we will not be able to circulate it by 1pm, but we hope to do so later today and then schedule a call for this evening or first thing in the AM.

Regards,

Ben

Benjamin S. Kaminetzky

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From: Williford, Harold W.

<hwwilliford@debevoise.com>

Sent: Sunday, December 6, 2020 11:22 AM

To: Katie Townsend <ktownsend@rcfp.org>

Cc: Kaminetzky, Benjamin S.

<ben.kaminetzky@davispolk.com>; Troop, Andrew

M. <[andrew.troop@pillsburylaw.com](mailto:<andrew.troop@pillsburylaw.com>)>; Hurley,

Mitchell <[mhurstrey@akingump.com](mailto:<mhurstrey@akingump.com>)>; Porter,

Katherine <[kporter@akingump.com](mailto:<kporter@akingump.com>)>;

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[mleventhal@jhany.com](mailto:<mleventhal@jhany.com>); Ball, Jasmine

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[apreis@akingump.com](mailto:<apreis@akingump.com>);

[keckstein@kramerlevin.com](mailto:<keckstein@kramerlevin.com>);

rringer@kramerlevin.com

Subject: Purdue: Request for Chambers
Teleconference

1pm today works for Debevoise
Thanks,
Harold

Sent from my iPad

On Dec 5, 2020, at 1:17 PM, Katie Townsend <ktownsend@rcfp.org> wrote:

Mr. Kaminetzky: I read Judge Drain's email to indicate that he expects the parties to meet and confer in short order to address the timing and substance of the debtors' objections to my clients' motion to intervene and unseal and related issues. As I indicated in my email to Judge Drain, the News Media Intervenors are (and remain) willing to agree to adjourn the December 15 hearing date on their motion to December 22, assuming that date is still available; if you are amenable to that, I am also open to discussing, if you think it necessary, extending debtors' deadline to submit their specific objections to our unsealing motion. Now that I have an understanding of the Sacklers' position with respect to my clients' motion, and based on our prior discussion, it appears that there will be no objection to unsealing the vast majority of the material that is currently under seal in this matter. Given that, I would hope we could reach an agreement on scheduling without Judge Drain's further involvement.

Are you available for a telephonic meet and confer in the next day or so? Given the short timeframe provided by Judge Drain, I would suggest we schedule something for tomorrow afternoon, rather than wait until Monday. And, in light of the apparent overlapping issues presented by the scheduling of the hearing on the UCC's privileges motion, it makes sense for that discussion to include all interested parties (all of whom, I believe, are copied on this email).

I'll propose 1pm Eastern tomorrow as a starting point, but I am generally available tomorrow afternoon. Please let me know if 1pm works for you, or feel free to propose another time; others are welcome to do so as well. Once we have a time set, I can circulate a dial-in.

Thank you,
Katie



Katie Townsend
Legal Director

ktownsend@rcfp.org
· (202) 795-9303 ·
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On Fri, Dec 4, 2020 at 3:00 PM
Robert Drain
[<judge_drain@nysb.uscourts.gov>](mailto:judge_drain@nysb.uscourts.gov)
wrote:

If an agreement that at least narrows the issues for the unsealing motion -- essentially to reduce the burden of reviewing the material that arguably *should*

be covered by the protective order in the light of the unsealing motion -- aren't resolved by Tuesday, the parties should schedule a telephonic chambers conference for Wednesday or Thursday next week. We all, I trust, understand the high premium placed on transparency. What is germane, rather, is identifying documents that are properly protected by privilege now that the issue that the parties postponed by agreeing to protective orders has been raised. A similar task has taken enormous work by the parties in connection with the respective privilege motions pertaining to the debtors and the Sacklers. I assume that having gone through that experience the parties should be able to narrow the related issues raised by the unsealing motion, albeit in a much shorter time, rather than dumping them all on the court. So please do that without the platitudes.

From: Troop, Andrew M.
<andrew.troop@pillsburylaw.com>
Sent: Friday, December 4, 2020
1:27 PM
To: Hurley, Mitchell
<mhurst@AkinGump.com>; Katie Townsend
<ktownsend@rcfp.org>; Kaminetzky, Benjamin S.
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Cc: NYSBml_Drain's_Chambers
<rdd.chambers@nysb.uscourts.gov>; Porter, Katherine
<kporter@akingump.com>;
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Subject: RE: Purdue: Request for
Chambers Teleconference

CAUTION - EXTERNAL:

Dear Judge Drain,

The Non-Consenting States support the relief requested in the Press Motion as noted in its recently filed statement (copy attached). The Non-Consenting States also agree that the issues raised by the Press Motion should not be, and need not be, delayed more than a week, that it makes sense for both the Press Motion and the privileges motions to be heard together on December 22, 2020 given the Court's availability on that date and the apparent compromise reached by the UCC and the Sacklers with respect to briefing, and that if the Debtors identify which documents do not need to remain sealed before that hearing, the hearing on the privileges motions will be more

efficient for all parties and further the general imperative that Court hearings be public.

Accordingly, if the Court schedules a chambers' teleconference in response to the Debtors' request, the Non-Consenting States agree with the UCC that the agenda include issues involving scheduling and briefing for both the Press Motion and the privileges motion.

Thank you.

Respectfully submitted,

Andrew M. Troop | Partner
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From: Hurley, Mitchell
<mhurley@AkinGump.com>
Sent: Friday, December 4, 2020
12:44 PM
To: Katie Townsend
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rringer@kramerlevin.com
Subject: RE: Purdue: Request
for Chambers Teleconference

Dear Judge Drain:

Like the News Media Intervenors, the UCC had hoped the issues addressed in the Debtors' email could be worked out among the parties without Court intervention, and we believed that the parties were still engaged in those efforts when we received the Debtors' email. However, if the Court determines to convene a chambers teleconference, we ask that the agenda also include the Sacklers' request to enlarge the page limit on their sur-replies on the privileges motions, which are due on December 9, 2020.

The UCC believes it has reached

a compromise with the Sacklers on their request, provided that the December 15, 2020 hearing on the privileges motions can be adjourned to give the UCC additional time to digest and respond to the larger sur-reply submissions. The Reporters Committee and the UCC spoke separately with Dorothy Li yesterday about whether a date later in December might be available for a hearing *on the sealing issues*. Ms. Li checked the Court's schedule and advised the UCC that the Court might be able to accommodate that hearing on December 22, 2020 at 2:30, but noted that she would of course have to confirm with Your Honor. Our hope was that the Court would be amenable to moving both the sealing issues and the privileges motions to December 22, 2020. We want to be clear, however: this is the first time the UCC has raised with the Court the possibility of moving both hearings to December 22, when we spoke with Ms. Li we discussed only the sealing issues. We have proposed moving both hearings to December 22 to the Sacklers and the Reporters Committee, and they are amenable. The Debtors did not provide us with any position on that issue before writing to the Court.

We also believe it makes sense for the Debtors' objection to the sealing motion to be filed in advance of the hearing on the privileges motions, whether the privilege motions proceed on December 15 or a later date. Based on the Debtors' email

below and other communications with them, it appears likely that they will not object to unsealing most of the documents submitted on the privileges motions. Hence, if the Debtors' objection identifying the material that it does not contend should remain sealed is filed before the privileges hearing, with the Court's permission the parties would be able to speak frankly about that evidence during the hearing without the need to seal the courtroom.

Thank you for your continuing time and attention to these matters.

Respectfully submitted,

Mitchell P. Hurley

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Mitchell P. Hurley

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From: Katie Townsend
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Sent: Friday, December 4, 2020
12:01 PM
To: Kaminetzky, Benjamin S.
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Cc:
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Subject: Re: Purdue: Request
for Chambers Teleconference

EXTERNAL Email

Dear Judge Drain:

I am counsel for Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, and Reuters News & Media, Inc. (the "News Media Intervenors") and I write in response to Mr. Kaminetzky's email below. I was not aware that Mr. Kaminetzky intended to contact

Your Honor this morning without meeting and conferring further with me, and I believe a clarification of my clients' position is warranted.

The Media Intervenors have a strong interest in obtaining a resolution of their pending motion to intervene and unseal the sealed court records in this matter as expeditiously as possible, and do not believe the debtors' request for an adjournment of the December 15 hearing on that motion for more than one month, to January 20, is necessary or reasonable. However, in an effort to accommodate Mr. Kaminetzky's request for additional time to review sealed records and file any objections to my clients' motion on behalf of the debtors, I contacted Your Honor's courtroom deputy to inquire about additional available hearing dates between December 15 and January 20; I understand that the only such available date is December 22. The Media Intervenors would consent to an adjournment of the hearing on their motion to December 22 and, as that motion was filed on November 23, that will provide the debtors (and any other parties) more than three weeks to submit any objections to my clients' pending motion to intervene and unseal.

We would be happy to participate in a chambers teleconference to address this issue, should Your Honor wish to schedule one.

Respectfully,
Katie Townsend



Katie Townsend
Legal Director
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On Fri, Dec 4, 2020 at 11:03
AM Kaminetzky, Benjamin S.
<ben.kaminetzky@davispolk.com>
wrote:

Dear Judge Drain:

We write on behalf of the Debtors regarding the motion recently filed by certain press organizations to intervene and unseal documents filed by the parties in support of, and in opposition to, the privileges motions filed by the Official Committee of Unsecured Creditors ("UCC"). See *Motion to Intervene and Unseal Judicial Records by Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, and Reuters News & Media, Inc.* (Nov. 23, 2020), Dkt. No. 2022 ("Press Motion"). For the reasons set forth below, the Debtors respectfully request a chambers teleconference to discuss adjourning consideration of the Press Motion to the omnibus hearing scheduled for January 20, 2021.

The Debtors recognize that the materials at issue contain significant amounts of information that should be unsealed. But upon a preliminary review, it is apparent that certain of the documents or sections thereof—which include, among other things, a large number of reports and presentations to the Debtors' board of directors and management and other documents produced by the Debtors in these cases pursuant to the operative protective order—also contain information that should remain under seal, including but not limited to confidential commercial information of the Debtors. It bears emphasis that virtually all of this material was submitted in connection with the UCC's privileges motions by parties other than the Debtors (as the Debtors have settled with the UCC regarding the privileges motions). It is nevertheless the Debtors' obligation to carefully review and assess those materials and identify information that should be sealed. Identifying the subset of information that should remain confidential will, in many instances, require page-by-page (and at times line-by-line) review, in close consultation with and with significant input from employees and management of the Debtors who are already stretched by business and other bankruptcy-related activities. This process cannot be reasonably accomplished in the time frame currently contemplated by the Press Motion. The short requested adjournment will enable the Debtors and other parties to conduct an orderly evaluation of the over 10,000 pages of material filed under seal in connection with the UCC's privileges motions (to date—briefing is ongoing); sharpen, narrow, and potentially obviate any disputes

as to the appropriateness of maintaining information under seal; and present any disagreements that might remain to the Court for resolution in a more mature posture.

The Debtors have conferred with counsel for the relevant parties, who are cc'd. The Sackler families are in broad agreement with the Debtors' requested adjournment. The UCC, and we understand from the UCC the press organizations, oppose anything but a one week adjournment of the hearing, to December 22, 2020. The Debtors respectfully submit that a one week adjournment is insufficient to complete a review and assessment of the voluminous material at issue, meet and confer to narrow or resolve potential disputes, and brief (if necessary) any relevant issues.

Respectfully submitted,

Benjamin S. Kaminetzky

Benjamin S. Kaminetzky

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